

**REMARKS/ARGUMENTS**

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 18 - 34 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 18 and 21 have been amended; claims 24, 25, and 34 have been cancelled without prejudice; and new claim 35 has been added to the application. The amendment to claim 21 is to correct an inadvertent spelling error and is not made for purposes of patentability.

In the office action mailed September 8, 2009, claim 34 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,083,450 to Safian; claims 18 - 23 and 27 - 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Safian in view of U.S. Patent No. 4,816,093 to Robbins, III and U.S. Patent No. 5,407,629 to Schmidt et al.; claims 24 - 26, and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Safian, Robbins, III, Schmidt, and U.S. Patent No. 6,106,762 to Agur et al.

The foregoing rejections are traversed by the instant response.

In view of the cancellation of claim 34, the rejection of this claim on anticipation grounds is now moot.

Claim 18 as amended herein is directed to a method of producing an air inlet in a multi-walled container of the type consisting of an outer rigid casing inside which is placed a flexible pocket intended to contain a product and in association with a withdrawal member without air inlet, such a container being obtained in a mold by blow-molding

coextrusion of a parison formed of a main outer layer made of relatively rigid plastic intended to form the outer rigid casing and a secondary inner layer made of relatively flexible plastic intended to form the flexible pocket, said layers having no adhesion between them so as to delaminate without difficulty, after the creation of a sprue in a portion of the parison during the blow-molding coextrusion operation, then removal of the sprue thus formed and finally the creation of an air inlet between the flexible layer and the rigid layer of the parison, said method further comprising the air inlet being obtained by making in the mold in at least one pinch zone of the parison a reservation intended to obtain a protrusion of said parison, the height of the protrusion being such as to allow at its end a first shearing operation at the sprue formed during the blow-molding coextrusion operation and having the effect of fusing together by crushing in this zone, on the one hand, two walls consisting of the inner layer of the parison and, on the other hand, the outer layer of the parison, and a second operation of cutting off the protrusion by means of a cutting tool, after opening of the mold and reworking of the container by rework templates, further comprising, in order to improved delamination, in a zone of the protrusion being crushed when the sprue is created, adding agents to at least one constituent material of the container in order to make it easier to separate the two layers formed by an inner flexible wall and an outer rigid wall or in order to prevent the walls from fusing together when they are crushed.

U.S. Patent No. 6,083,450 to Safian describes a container having a variable inner volume. The container has an outer relatively rigid plastic layer 30 and an inner relatively thin inner layer 32. The container is made by

coextruding a parison, closing the molds about the parison, and blow molding the parison. A blowpin assembly 52 is used to apply air to blow the layers and shape the flange 48 and sever the moil. In column 4, lines 1 - 4, Safian discloses forming the outer container of olefin plastic and the inner container of amorphous nylon. The inner layer delaminates from the outer layer without additional handling or using a secondary machine operation. As set forth in claim 18, the claimed method is directed to a method for producing an air inlet in a multi-walled container. In the claimed method, the air inlet is created by an initial shearing operation of a protrusion which is formed during an extrusion blow molding operation; and a second step of cutting off the protrusion using a cutting tool. This is quite different from Safian which is directed to a method in which a protrusion is torn in the mold (see col. 6, lines 46 - 55). According to Safian, there is no problem in crushing the welding and bonding to avoid delamination. The problem addressed by and solved by Safian is not that of the claimed invention.

A significant aspect of the claimed method of the present invention is to integrate lubricating agents in the material, and more particularly at the protrusion level, in order to avoid the welding of the layers in presence during their crushing and this without any mechanical means. It is submitted that Safian does not teach or suggest such a step. Further, neither U.S. Patent No. 4,816,093 to Robbins III nor U.S. Patent No. 5,407,629 to Schmidt et al., taken alone or in combination with each other, render this aspect of the claimed invention obvious. In other words, the step of "in order to improved delamination, in a zone of the protrusion being crushed when the sprue is created, adding agents to at

least one constituent material of the container in order to make it easier to separate the two layers formed by an inner flexible wall and an outer rigid wall or in order to prevent the walls from fusing together when they are crushed" is not taught or suggested by the cited and applied references.

Further U.S. patent No. 6,106,762 to Agur et al. does not render the foregoing limitation in amended claim 18 obvious. While Agur et al. may teach adding a stearate lubricating agent to one of the layers, it does not teach adding an agent in a zone of a protrusion to be crushed.

For these reasons, claim 18 as amended herein is allowable.

Claims 19 - 23, 26 - 33, and 35 are allowable for the same reasons as claim 18, as well as on their own accord.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicants' attorney at the telephone number listed below.

No fee is believed to be due as a result of this response.

If the Director determines that a fee is required in connection with this case, it is respectfully requested that the fee be charged to Deposit Account No. 02-0184.

Respectfully submitted,

Sabrina Morel et al.

By/Barry L. Kelmachter #29999/

Barry L. Kelmachter

BACHMAN & LaPOINTE, P.C.

Reg. No. 29,999

S/N 10/551,859

Amdt. dated December 8, 2009

Attorney Docket No.: 05-656

Response to Office Action dated September 8, 2009

Attorney for Applicants

Telephone: (203)777-6628 ext. 112

Telefax: (203)865-0297

Email: docket@bachlap.com

Date: December 8, 2009